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March 25, 2020

BY E-MAIL and ECF

Honorable Analisa Torres
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Martin Walsh v. City of New York, et. al.
19 CV 9238 (AT)

Your Honor:

I am an Assistant Corporation Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, and I represent defendants Kevon Sample, Oliver Liebowitz, Jason Lunsford, Jhonny Milfort, Catherine Doran, and The City of New York ("Defendants") in the above-referenced matter. Defendants write to respectfully request a ninety (90) day stay of all dates, deadlines and conferences in this action. Plaintiff's counsel, Samuel DePaola, consents to this request.

On November 22, 2019, the Court scheduled an Initial Conference for April 6, 2020 at 11:20 am. On March 4, 2020, the Court set the following briefing schedule for defendants' motion to dismiss the complaint in this action:

- April 1, 2020 – Defendants' Motion Due
- April 22, 2020 – Plaintiff's Opposition Due
- May 6, 2020 – Defendants' Reply Due

As the Court is aware, the country is currently grappling with the COVID-19, or coronavirus, pandemic. On March 7, 2020, Governor Andrew Cuomo declared that New York is in a state of emergency because of the rapidly developing pandemic situation. On March 13, 2020, Mayor Bill de Blasio followed suit, and declared New York City to be in a state of emergency as well.

That same day, the United States District Court for the Southern District of New York (“Southern District”) issued Standing Order 20 MISC 154, which encouraged individual judges to conduct court proceedings by phone and video conferencing where practicable. Also on March 13, 2020, the Southern District issued Standing Order 20 MISC 0153, which suspended and tolled service of process requirements and deadlines in *pro se* matters. On March 16, 2020, the Southern District issued a Revised Standing Order further limiting access to courthouses. On March 20, 2020, Governor Andrew Cuomo, issued Executive Order No. 202.8, tolling the statute of limitations until April 19, 2020 and prohibiting all non-essential employees to going into the workplace.

In light of pronouncements from government and judicial officials, associated policies, expert recommendations, and the further spread of COVID-19, the New York City Law Department, along with the majority of employers in New York City and State, has advised that individuals should work from home as much as is practicable to ensure compliance with public policy directives, and to protect individuals from further community spread of the virus.

Of course, working from home creates a number of challenges that directly impact litigation, including, *inter alia*, our ability to review case files that are in the office and contain documents that may not be available in electronic form, as well as our office’s ability to procure new documents and meet with clients.

For the reasons set forth herein, the requested stay is necessary to allow all parties to weather this pandemic without fear about whether their claims or defenses will be jeopardized due to circumstances that are beyond our control. Accordingly, defendants respectfully request a ninety (90) day stay of all dates, deadlines and conferences in this litigation.

Defendants thank the Court for its time and consideration in this regard.

Respectfully submitted,

/s/ *Matthew W. McQueen*

Matthew W. McQueen
Special Federal Litigation Division

cc: Samuel C. DePaola, Esq. (by ECF)
Attorney for Plaintiff

GRANTED. All deadlines in this case are extended for a period of 90 days. By June 30, 2020, Defendants shall file their motion to dismiss. By July 31, 2020, Plaintiff shall file his opposition. By August 4, 2020, Defendants shall file their reply, if any.

SO ORDERED.

Dated: March 31, 2020
New York, New York



ANALISA TORRES
United States District Judge